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R E M A R K S

Reconsideration of the present application in view of the amendments and following remarks is respectfully requested. Ten claims are pending in the application: Claims 1 through 10.

Objection to the specification

1. The specification stands objected to for having a typographical error on page 15, line 26.

Applicants have amended the specification as suggested by the Examiner. Thus the objection is overcome.

Summary of Examiner Interview

2. An interview was held on January 8, 2004 between Examiner Tuan A. Vu and Julie Hopper (Reg. No. 50,869). No exhibits were presented. No claims were discussed regarding any prior art. There were no claim amendments suggested or arguments presented to the Examiner. A PTO-1449 form was not signed and returned by the Examiner along with the office action mailed November 19, 2003. The Examiner requested that the references and PTO-1449 form be resent to the office for consideration. Applicants submitted a supplemental information disclosure statement on May 11, 2004.

3. Applicants thank the Examiners for their time during the interview that was held on May 20, 2004 between Examiner Tuan A. Vu, Examiner John Chavis, Thomas F. Lebens (Reg. No. 38,221), Martin R. Bader (Reg. No. 54,736) and Allan Lamkin (Inventor). No exhibits were presented. Claims 1-10 were discussed regarding U.S. Patent No. 5,909,511 (Tahara et al.) and

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U.S. Patent No. 6,453,459 (*Brodersen et al.*). There were no claim amendments suggested by anyone during the interview. Applicants presented arguments that neither *Tahara et al.* nor *Brodersen et al.* teach or suggest "selecting a source file, the source file comprising the variable; searching the source file for the variable, and replacing the variable with the definition for the variable; generating programmatic content in response to the searching," such as claimed by Applicants in independent claim 1. Specifically, the Examiner states on Page 3 of the outstanding office action that *Tahara et al.* does not specify "selecting a source file, searching the source file for a variable, and replacing the variable with the definition for the variable and generating a programmatic content therefrom." *Brodersen et al.* (i.e., Figs. 12A and 12C) also do not teach or suggest the recited elements. During the interview, Applicants asserted that the cited references did not teach or suggest the above recited elements of Applicants' claim. The Examiner, although unable to point to where these elements are taught or suggested, stated that he felt there was "something similar to Applicants' claims and that that was where obviousness came in." Applicants assert, however, that what is needed to form a *prima facie* case of obviousness is as referenced in M.P.E.P section 2143. M.P.E.P section 2143 states:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (Underlining added). *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

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No agreement was reached during the interview. However, it remains clear that the cited references fail to teach or suggest each and every element of the claims as set forth by Applicants as required under applicable law.

35 U.S.C. § 103

4.   Claims 1-6 and 8-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,909,551 (*Tahara et al.*) in view of U.S. Patent No. 6,453,459 (*Brodersen*).

Tahara et al. disclose an interactive recording medium and playback system. The playback system is interactively responsive to operation made by a user which defines information such as text data in association with an image and reproduces the text data simultaneously with the image. A modified Video-CD is utilized as the recording medium where the Video-CD includes both video data and text data. The playback system interprets how to playback to modified Video-CD. *Tahara et al.* is a playback system and does not disclose an authoring system or method, as claimed by Applicants, but only the format of a Video-CD.

Brodersen et al. disclose a standard DVD authoring system which removes the author from consideration of the DVD specification during authoring. Thus, a Standard DVD can be authored in a manner removed from the structure and low-level instruction sets of the DVD Specification, thereby reducing the time, cost and complexity of the authoring process.

In contrast, Applicants have provided an authoring system and method for combining video or audio content with programmatic content. Specifically, Applicants' claimed authoring system performs the steps of "selecting a source file,

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the source file comprising the variable; searching the source file for the variable, and replacing the variable with the definition for the variable; generating programmatic content in response to the searching," such as recited in claim 1.

As recited above, M.P.E.P section 2143 recites in part as follows:

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (Underlining added).   In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

The Examiner states in the interview summary form dated May 25, 2004 that "the rejection is based upon obviousness and thus individual reference would not cover 100% of the limitations." However, as is clearly stated in M.P.E.P section 2143 the prior art reference or references must teach or suggest all of the limitations, albeit perhaps not all in the same reference. Therefore, at least one of the references must teach each of the three recited limitations of Applicant's claim 1 recited above before a *prima facie* case of obviousness can be established.

The Examiner stated on Page 3 of the outstanding office action that *Tahara et al.* does not specify "selecting a source file, searching the source file for a variable, and replacing the variable with the definition for the variable and generating a programmatic content therefrom."

And while the Examiner has equated Figs. 12A and 12C of *Brodersen et al.* (Page 4 of the outstanding office action) to the above recited elements of claim 1, as explained to the Examiner during the interview on May 20, 2004, Figs. 12A and 12C simply do not teach or suggest "selecting a source file, the source file comprising the variable; searching the source file for the

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variable, and replacing the variable with the definition for the variable; generating programmatic content in response to the searching," such as is claimed by Applicants. Specifically, the portion of *Brodersen et al.* relied upon by the Examiner discloses steps of "compiling" utilized by the authoring engine and makes no suggestion or teaching of the claimed steps. Specifically as described by *Brodersen et al.*, the compiler builds an intermediate skeleton-form program chain (PGC) layout data structure. Next the complier resolves sour-target connections as indices to source and target identified information. Finally the complier replaces the indices with identifier information which is retrieved by querying a data management engine. This describes a process for mapping a menu button to respective points in the PGC. Building a data structure and mapping the data structure to points in a PCG is not "selecting a source file, the source file comprising the variable; searching the source file for the variable, and replacing the variable with the definition for the variable; generating programmatic content in response to the searching," nor does it even remotely suggest such steps.

This conclusion is reinforced by the fact that during the Examiner interview on May 20, 2004, the Examiner was not able to show Applicants anywhere within Figs. 12A and 12C or the corresponding description where "selecting a source file, the source file comprising the variable; searching the source file for the variable, and replacing the variable with the definition for the variable; generating programmatic content in response to the searching" or anything similar to, equivalent to, or otherwise suggestive of such is described or disclosed.

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Still further, during the interview, after the Examiner was not able to demonstrate how Figs. 12A and 12C disclosed the above recited elements of claim 1, the Examiner then pointed to many different places within the *Brodersen et al.* reference where it was asserted that one of the above recited elements is shown. For example, the Examiner pointed to Column 1 lines 56-59, stating that this portion of the *Brodersen et al.* reference showed "searching the source file for the variable." Column 1, lines 56-59 of *Brodersen et al.* recites "Finally authoring guidelines, the encoded audio and video stream files and the graphic files are gathered for the authoring phase." During the interview, the Examiner equated "searching" with "gathering." However, even assuming arguendo that the audio and video stream files and the graphic files can properly be equated to Applicants' claimed source file, and further assuming arguendo that a "gathering" car be properly equated to "searching" as claimed by Applicants, the Examiner was still unable to show how the system then searched the source file (audio, video or graphic file) for the claimed variable and replaced the claimed variable with the definition for the variable as required by Applicants' claims. Furthermore, the Examiner could not demonstrate how the system then generated programmatic content in response to the searching as also claimed. The *Brodersen et al.* process, as described, simply does not involve "searching the source file for the variable," as is claimed by Applicants.

Thus, neither *Brodersen et al.* nor *Tahara et al.* nor their combination teaches or suggests "selecting a source file, the source file comprising the variable; searching the source file for the variable, and replacing the variable with the

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definition for the variable; generating programmatic content in response to the searching," as is recited in claim 1.

Thus, each and every limitation of Applicants claims is not taught or suggested in the prior art cited by the Examiner. Therefore, as neither reference teaches or suggests "selecting a source file, the source file comprising the variable; searching the source file for the variable, and replacing the variable with the definition for the variable; generating programmatic content in response to the searching," a *prima facie* of obviousness has not been set forth and the present rejection is misplaced. Therefore, it is respectfully submitted the rejection of claim 1 is overcome.

Claims 2-6 are allowable at least because of their dependency upon allowable claim 1. Furthermore, independent claims 8, 9 and 10 contain limitations similar to those discussed above in reference to Claim 1, and are therefore similarly allowable.

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C O N C L U S I O N

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,
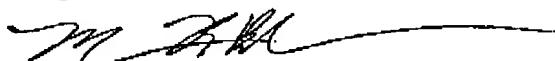
Martin R. Bader
Reg. No. 54,736

Dated: June 14, 2004

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